

# Exhibit G



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In the Matter of:

State of WA, et al.

vs

Trump, et al.

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**MICHELLE BULLS**

*April 03, 2025*

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State of WA, et al. vs Trump, et al.  
Bulls, Michelle - April 03, 2025

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

-----)  
STATE OF WASHINGTON, et al., ) NO.2:25-cv-00244-LK  
Plaintiffs, )  
v. )  
DONALD J. TRUMP, in his )  
official capacity as President )  
of the United States, et al., )  
Defendants. )  
-----)

Washington, D.C.

Thursday, April 3, 2025

Deposition of MICHELLE G. BULLS, a witness  
herein, was called for examination by counsel for  
Plaintiffs in the above-entitled matter, pursuant to  
notice, the witness being first duly sworn by  
BESS A. AVERY, a Notary Public in and for the  
District of Columbia, taken at the offices of B&A  
Litigation Services, 1029 Vermont Avenue, N.W.,  
Washington, D.C., commencing at 9:06 a.m., when  
were present on behalf of the respective parties:

A P P E A R A N C E S

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ALSO PRESENT: Miranda Berge, Esq. - HHS

Anna Jacobs, Esq. - HHS

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## P R O C E E D I N G S

- - - - -

(Bulls Deposition Exhibit 1 was  
premarked.)

Thereupon,

MICHELLE G. BULLS,  
was called as a witness by counsel for Plaintiffs,  
and, having been duly sworn by the Notary Public,  
was examined and testified as follows:

## EXAMINATION

BY MR. MCGINTY:

Q Could you state your name and spell your  
last name for the record, please.

**A Sure. Michelle Bulls, B-U-L-L-S.**

Q Great. And have you ever been deposed  
before?

**A No.**

Q Okay. So just in terms of ground rules,  
we're here so that I can ask you some questions  
about what you know about the case. I'll ask you  
questions and you'll answer them unless you're  
instructed by counsel not to do so.

Is that fair?

**A That's fair.**

Q Okay. It's important we make a clear



1           **A       The counsel.**

2           Q       Oh, yeah, yeah. What I meant is, you  
3 talked to DOJ, you talked to OGC, Office of General  
4 Counsel?

5           **A       Yes.**

6           Q       And you talked to your husband?

7           **A       I talked to my husband. And I alerted my**  
8 **supervisor, my current supervisor, that I had to**  
9 **come to the deposition.**

10          Q       Okay. And who is that?

11          **A       Jon Lorsch.**

12          Q       Jon Lorsch? Can you spell that for me.

13          **A       L-O-R-S-C-H.**

14          Q       Okay. And did you talk substantively  
15 about what your testimony might be today?

16          **A       No.**

17          Q       Okay. Did he ask any questions?

18          **A       No.**

19          Q       Okay. Let's turn to the Subpoena that's  
20 been marked as Exhibit 1. So you got a copy of  
21 this?

22          **A       Yes.**

23          Q       Okay. And when did you get a copy?

24          **A       I'm not sure.**

25          Q       All right. If you could turn to page 5 of

1 Exhibit 1, there's a numbered list titled, "Requests  
2 for Production." Do you see that?

3 A Yes.

4 Q Did you review that before today?

5 A Yes.

6 Q Okay. And what efforts did you make to  
7 collect the documents that were asked for here?

8 A I went through my e-mails and tried to  
9 find anything that I could provide.

10 Q Okay. And did you find e-mails that would  
11 match the descriptions in this list?

12 MS. ANDRAPALLIYAL: Objection, calls for a  
13 legal conclusion.

14 BY MR. MCGINTY:

15 Q You can answer.

16 (Witness reviews document)

17 THE WITNESS: Yes.

18 BY MR. MCGINTY:

19 Q Okay. What e-mails were those?

20 A The e-mail that I sent to -- oh. Well,  
21 the e-mails that I received related to the  
22 termination.

23 Q Mm-hmm.

24 A The e-mails that I sent to the Chief  
25 Grants Management Officers related to the

1 Did you get copies of those documents so  
2 you could verify that you had -- to see if you had  
3 other copies of those versions of documents?

4 **A No.**

5 Q You didn't get copies of those?

6 **A I don't recall.**

7 Q Okay. So Number 2 asks for all drafts in  
8 your possession, custody, or control of the document  
9 titled "Staff Guidance - Award Assessments for  
10 Alignment with Agency Priorities - March 2025."

11 Do you know what document that's talking  
12 about, Staff Guidance - Award Assessments for  
13 Alignment with Agency Priorities?

14 **A Yes.**

15 Q Okay. And do you have a copy of that?

16 **A Yes.**

17 Q Okay. And did you give that to counsel?

18 **A Yes.**

19 Q Okay. How many versions of that exist?

20 **A At the time I gave it to counsel or today?**

21 Q Today.

22 **A Probably two or three.**

23 Q Two or three versions of that exist?

24 **A Maybe -- yeah, I'll say three.**

25 Q Three? Three that exist.

1 don't know. And there's a final that's forthcoming?

2 A Yes. It's been an evolving document. And  
3 so, like I said, some of them were -- some of the IC  
4 staff were comfortable in using the document, some  
5 of the staff were, decided that they were going to  
6 stop and wait for the final document. So it's been  
7 a bit of back and forth.

8 Q Okay. And "IC," Institute/Centers?

9 A Institutes and Centers.

10 Q Thank you.

11 A You're welcome.

12 Q Let's see. And then item Number 3 asks  
13 for all communications made to or by you related to  
14 documents identified in Requests for Production 1  
15 and 2.

16 It sounds like there was lots of  
17 communications to and by you about all of these  
18 documents. Is that right?

19 A Yes.

20 Q Okay. And did you collect all of those  
21 communications?

22 A I believe I did.

23 Q Okay. And you gave them to counsel?

24 A I believe I did.

25 Q Okay. Let's see. And then all documents

1 in your possession, custody, or control, including  
2 communications made to or by you, related to  
3 termination of NIH Grant No. -- and then there's a  
4 grant number there -- 5R21HD107311. That's the  
5 document we were just talking about with Kym Ahrens  
6 as the principal investigator. Is that right?

7 **A I do recognize the grant number, yes.**

8 Q Okay. And it sounds like there's all  
9 kinds of documents that would be responsive to that  
10 one, too?

11 **A Correct.**

12 Q Okay. And you gave those to counsel?

13 **A I --**

14 MS. ANDRAPALLIYAL: Objection. Just a  
15 standing objection here to the extent that we're  
16 going through all these requests that are calling  
17 for a legal conclusion where you're asking her  
18 whether she has collected all of the documents  
19 responsive to these requests.

20 MR. MCGINTY: Are you instructing the  
21 witness not to answer?

22 MS. ANDRAPALLIYAL: No.

23 BY MR. MCGINTY:

24 Q Could you repeat your last answer for me.

25 **A Can you repeat the question.**

1 Q Yes. I think I just asked you if you gave  
2 them to counsel.

3 A I believe so.

4 Q Okay. So next one asks for all documents  
5 in your possession, custody, or control related to  
6 NIH's claims that research programs based on gender  
7 identity are often unscientific, have little  
8 identifiable return on investment, and do nothing to  
9 enhance the health of many Americans. Many such  
10 studies ignore, rather than seriously examine,  
11 biological realities.

12 Did you look for documents related to that  
13 request?

14 A Yes.

15 Q Did you find any?

16 A It was in the termination letter. That  
17 was the language in the termination letter that was  
18 provided to me.

19 Q Okay. Anything else?

20 A No.

21 Q Okay. Number 6 asks for all documents in  
22 your possession, custody, or control related to  
23 NIH's claim that it is the policy of NIH not to  
24 prioritize these research programs. Do you see  
25 that?

1           **A     Yes.**

2           **Q     And did you search for documents like**  
3           **that?**

4           **A     I provided the documents that likely had**  
5           **this in it, but I was not searching for this**  
6           **specific document, if that makes sense.**

7           **Q     Okay. You were looking for documents that**  
8           **had that quoted language?**

9           **A     Not the quoted language. I looked for**  
10          **documents that surrounded the termination, and if**  
11          **the termination was based on this, it had that in**  
12          **it. I wasn't looking specifically for this, if that**  
13          **makes sense. I gave what I had and what I received,**  
14          **and I -- that's what I gave.**

15          **Q     Okay. I guess my question is:**  
16                  **What this is asking for is documents**  
17          **that's related to the claim that it is the policy of**  
18          **NIH not to prioritize these research programs, so**  
19          **did you look for any documents about NIH policy?**

20          **A     No, I looked for documents related to the**  
21          **termination.**

22          **Q     Okay. Did you look for any documents**  
23          **related to the policy that animated the termination?**

24          **A     No, I looked for the documents, the letter**  
25          **that terminated the grant.**

1 Q Okay. Thank you.

2 So moving on to Number 7. This one asks  
3 for all documents in your possession, custody, or  
4 control related to NIH's claims that this award  
5 related to transgender issue no longer  
6 effectuates agency priorities.

7 So did you look for any documents about  
8 NIH priorities in response to this question?

9 A I looked for the termination documents  
10 that may have included that language, but I did not  
11 look for that language.

12 Q Okay. You didn't look for any documents  
13 about whether or not it is the policy, or, excuse  
14 me, the priority of NIH to fund studies and research  
15 related to transgender issues?

16 A No, I provided the documents that was  
17 provided to me that may have included that. I did  
18 not search for that.

19 Q Okay. The next one asks for all documents  
20 in your possession, custody, or control that include  
21 descriptions of policies, procedures, or guidance  
22 regarding termination of NIH grants dated between  
23 January 20, 2025 and March 6, 2025. Do you see  
24 that?

25 A Mm-hmm.



1 Q Did you look for those kinds of documents?

2 A **Yes, I provided all of the documents that,**  
3 **regarding the termination.**

4 Q Okay. And would this have included the  
5 document that we were just talking about a minute  
6 ago, the Staff Guidance Award Assessments? Would it  
7 have included that one?

8 A **Yes.**

9 Q Okay. Are there any other documents about  
10 agency priorities or policies that are dated in that  
11 range having to do with grant termination?

12 A **No, not that I recall.**

13 Q Okay. The next one asks for all documents  
14 in your possession, custody, or control including  
15 communications, policy statements, or guidance  
16 documents related to or referencing two Executive  
17 Orders. Do you see that there?

18 A **Yes.**

19 Q And did you search for those documents?

20 A **I provided the documents that led up to**  
21 **the termination. That's all I provided.**

22 Q Okay. In response to this request  
23 specifically?

24 A **In response to the request for me to**  
25 **provide all documentation that led up to, all the**

1 way through the termination. That's what I  
2 provided.

3 Q Okay. How about documents that relate to  
4 or reference these two Executive Orders, did you  
5 search for that?

6 A If it was a part of the termination  
7 package communication, I did provide it. But I  
8 don't know that I searched for the Executive -- like  
9 I didn't provide the Executive Order, I don't  
10 believe.

11 Q Okay. So you searched for documents that  
12 would have related to the termination we've been  
13 talking about, but not necessarily anything else?

14 A Correct.

15 Q Okay. Did you search for any documents or  
16 any communications between you and any person  
17 affiliated with the Department of Government  
18 Efficiency?

19 A I provided all the e-mails, all of the  
20 communications, and if that was a part of it, that  
21 is part of that package. I didn't look for any  
22 communications with Department of Government  
23 Efficiency.

24 Q Okay. Were there such communications?

25 A There was no communication between, that I

1 can, that I know of, directly between me and anyone  
2 in the Department of Government Efficiency. They  
3 may have been copied on the e-mail, but not with me.

4 Q Okay. Sitting here today, can you  
5 recollect any e-mails that they were copied on?

6 A Yes, one.

7 Q Okay. Can you describe that e-mail for  
8 me?

9 A I believe that was the e-mail that  
10 included a list of grants to be terminated.

11 Q Okay. So you got an e-mail. Was it from  
12 someone at the Department of Government Efficiency?

13 A No.

14 Q No. They were copied on one. Who was  
15 sending that e-mail?

16 A The e-mail that I received was from,  
17 between me and my supervisor, and there was a string  
18 below it. So I wasn't directly on the e-mail with  
19 that individual, it was forwarded to me with a list  
20 of the terminations.

21 Q I see. And who was your supervisor at the  
22 time?

23 A Liza Bundesen.

24 Q That was Liza Bundesen?

25 A Yeah.

1 Q And she was given a list of terminations?

2 A Correct.

3 Q And that list came from someone at the  
4 Department of Government Efficiency?

5 A That list came from Rachel Riley.

6 Q Okay.

7 A And her address was from HHS Office of the  
8 Secretary.

9 Q Thank you. And the Department of  
10 Government Efficiency was -- how were they involved  
11 in that e-mail?

12 A Copied.

13 Q They were cc'd?

14 A I believe.

15 Q Okay. So Rachel Riley at HHS sent it to  
16 Liza Bundesen, who sent it to you. Is that right?

17 A Yes.

18 Q Okay. Can you remember anybody else who  
19 was included on that e-mail?

20 A Not that particular e-mail. Because one  
21 of the e-mails came from Dr. Memoli, so those were  
22 two separate strings, but both termination e-mails.

23 Q Oh, okay. So there's another set of  
24 terminations. Am I understanding that right?

25 A It was the same -- yes, yes.

1 Q Okay. And that one came from Dr. Memoli?

2 A Yes.

3 Q But that was -- did it come from the same  
4 person at HHS?

5 A Yes, it came from the same person at HHS  
6 to Dr. Memoli that was forwarded to Liza.

7 Q I see. And who is the person in the  
8 Department of Government Efficiency who was copied?

9 A I believe his name was Brad.

10 Q Brad. Don't remember the last name?

11 A I don't.

12 Q Okay, fine. Okay.

13 So it sounds like there's at least two  
14 e-mails that copied someone at the Department of  
15 Government Efficiency. One was forwarded to you by  
16 Dr. Bundesen, one was forwarded to you by  
17 Dr. Memoli. Are there any others?

18 A Dr. Memoli didn't forward the e-mail  
19 directly to me.

20 Q Oh.

21 A He forwarded it to Liza Bundesen, who  
22 forwarded it to me.

23 Q I see. Thank you for that clarification.

24 A You are welcome.

25 Q Are there any others?

1           **A       No.**

2           Q       Okay. Just the two?

3           **A       (Nodding head)**

4           Q       Okay.

5           **A       Yes.**

6           Q       Thank you so much. I did not ask you to  
7 verbally answer the questions, and I should have  
8 done so, so thank you so much for remembering to do  
9 that.

10          **A       You're welcome.**

11          Q       We also asked for a copy of your CV and  
12 your resume. Did you give that to counsel?

13          **A       Yes.**

14               MR. MCGINTY: Counsel, do you have any of  
15 those documents to provide today?

16               MS. ANDRAPALLIYAL: Yes. I believe we've  
17 provided you a copy of Ms. Bulls' CV.

18               (Document tendered to Mr. McGinty)

19               MR. MCGINTY: Thank you. Okay. Let's go  
20 ahead and mark this Exhibit 2.

21               (Bulls Deposition Exhibit 2 was marked for  
22 identification.)

23               MR. MCGINTY: Counsel, would it be  
24 possible to get a second copy of this?

25               MR. BOMBARD: For the witness?

1 2011. Did I get that right?

2 A 2012.

3 Q 2012. So since 2012, there's been one or  
4 two noncompliance terminations until about  
5 January 20th, 2025. Is that right?

6 A Yeah. And it's probably more than one,  
7 for sure, and less than a handful. So I don't  
8 recall, so I apologize, but I just know that that's  
9 not what we normally do. And, yes, the answer to  
10 the question is whether -- actually --

11 Q What were you going to say?

12 A No, I need you to repeat the question  
13 again, because I want to make sure I don't restate  
14 it incorrectly.

15 Q Sure. No, that's fair, that's fair.

16 My question was just between when you were  
17 appointed director in 2012 until January 20, 2025,  
18 there's been, I think you clarified, more than one  
19 but less than ten noncompliance terminations. I  
20 think that's what your testimony was.

21 A My testimony was it doesn't happen often,  
22 more than one and probably less than five.

23 Q More than one, less than five. Okay.

24 And since January 20, 2025, to the present  
25 date, how many noncompliance terminations have there

1 been?

2 **A Zero.**

3 Q Oh, okay. None at all. Were they all the  
4 bilateral terminations you were just talking about?

5 **A We had some bilateral terminations between**  
6 **January, yes.**

7 Q Okay.

8 **A And I don't recall the number, but not any**  
9 **noncompliance.**

10 Q So then the thread we were talking about  
11 with Dr. Kym Ahrens, it's been reinstated now, but  
12 when it was terminated, what kind of termination was  
13 that?

14 **A A termination that was provided to me, to**  
15 **this -- yeah.**

16 Q Okay. It was neither noncompliant nor was  
17 it bilateral?

18 **A Correct.**

19 Q Okay. It was a different kind of  
20 termination?

21 **A Correct.**

22 Q How many of that kind of termination was  
23 there between when you were appointed director of  
24 OPERA until January 20, 2025?

25 **A Zero.**



1 Q Zero. That never happened before?

2 A I'm sorry, let me restate. There was one  
3 termination that happened that way, but it was --  
4 the grant was reinstated as well. That, yes.

5 Q Okay. Which one was that?

6 A That was one under the first Trump  
7 Administration for the Eco Health Alliance.

8 Q Okay. Do you know why that one was  
9 reinstated?

10 A No.

11 Q Okay. Okay. You just stated that this  
12 particular kind of termination, like for a  
13 Dr. Ahrens, was provided to you. Who provided it?

14 A Liza Bundesen, my supervisor.

15 Q Okay. And I think you said it was  
16 provided by someone in HHS, I forget her name,  
17 Rachel something?

18 A Rachel Riley.

19 Q Rachel Riley?

20 A Correct.

21 Q Okay. And just to clarify, Rachel Riley  
22 provided that list to Liza Bundesen, and that  
23 included the termination to Dr. Ahrens?

24 A Correct.

25 Q Okay.

1 basis of agency priorities, haven't they?

2 **A Yes.**

3 Q But you don't have agency priorities that  
4 are final?

5 **A I have letters that I've been asked to**  
6 **send.**

7 Q Okay.

8 MR. MCGINTY: Can I mark this as Exhibit  
9 4, please.

10 (Bulls Deposition Exhibit 4 was marked for  
11 identification.)

12 BY MR. MCGINTY:

13 Q I'm passing to you what has been marked  
14 Exhibit 4, and do you recognize this document?

15 **A Yes.**

16 Q And what is it?

17 **A A termination letter.**

18 Q This is one of those letters that you've  
19 been asked to send that you were just talking about?

20 **A Yes.**

21 Q And you signed this letter, right?

22 **A Yes.**

23 Q Okay. And why did you send this letter?

24 **A I was asked to send it.**

25 Q Who asked you to send it?

1           **A     My supervisor.**

2           **Q     Okay. And who is that?**

3           **A     At the time, Liza Bundesen.**

4           **Q     Okay. How did she ask you to send it?**

5           **A     Via e-mail.**

6           **Q     Did she tell you why she was asking you to**  
7           **send it?**

8           **A     Yes.**

9           **Q     Okay. And what did she say?**

10          **A     That we were asked to terminate grants.**

11          **Q     Did she tell you why you were asked to**  
12          **terminate grants?**

13          **A     She did not.**

14          **Q     Okay.**

15          **A     Can I correct the statement?**

16               **The e-mail that I received from**  
17          **Liza Bundesen indicated that we needed to terminate**  
18          **the grants, and the language in the letters were**  
19          **provided so I didn't question, I just followed the**  
20          **directive.**

21          **Q     Okay.**

22          **A     She didn't say: Terminate the grant**  
23          **because of. She said: The list below. So I just**  
24          **wanted to be clear about that.**

25          **Q     Okay. And did you provide this e-mail to**

1 counsel?

2 A Yes.

3 Q Okay. And "the list is below," list of  
4 what?

5 A Awards to be terminated.

6 Q Okay. And is that the same list that you  
7 were talking about earlier that came from  
8 Rachel Riley?

9 A That was on the same e-mail, yes.

10 Q Okay. And Brad may have been copied on  
11 that e-mail?

12 A I don't know if Brad was on that e-mail  
13 string.

14 Q Okay.

15 A I can't recall.

16 Q Brad was on one of the e-mail strings?

17 A Correct.

18 Q Do you remember if it was Brad Smith?

19 A I know for sure Brad.

20 Q Okay. Definitely Brad. It might have  
21 been Brad Smith, it might have been Brad someone  
22 else?

23 A Yes.

24 Q Okay. And you said the language was  
25 provided. What do you mean by "the language was

1 provided"?

2 A The letter. There were template letters.

3 Q So the entirety of the letter language?

4 A Correct.

5 Q Okay. So take a look at the first  
6 paragraph here:

7 "Funding for Project Number," and then  
8 there's a number," is hereby terminated  
9 pursuant to the 2022 National Institutes  
10 of Health Grants Policy Statement," and  
11 C.F.R., a CFR section. "This letter  
12 constitutes a notice of termination."

13 You did not write that language?

14 A No.

15 Q You didn't write any word in this letter?

16 A Just the signature.

17 Q Okay. You wrote your name?

18 A Correct. I mean, I -- yes, I wrote my  
19 name and signed it.

20 Q Okay. And you don't know why this letter  
21 was sent?

22 A To terminate the grant.

23 Q Okay. But you don't know what agency  
24 priorities are intended to be served by terminating  
25 this grant?

1           A     I didn't ask the question and I was not  
2     told, I sent the letter as it was.

3           Q     Okay. Did Rachel Riley provide the  
4     templates that you used?

5           A     Yes.

6           Q     So it says here -- actually, can you read  
7     the fourth paragraph, the one that starts with,  
8     "This award no longer effectuates."

9           A     "This award no longer effectuates agency  
10               priorities. NIH is obligated to  
11               carefully steward grant awards to ensure  
12               taxpayer dollars are used in ways that  
13               benefit the American people and improve  
14               their quality of life. Your project does  
15               not satisfy these criteria. Research  
16               programs based on gender identity are  
17               often unscientific, have little  
18               identifiable return on investment, and do  
19               nothing to enhance the health of many  
20               Americans. Many such studies ignore,  
21               rather than seriously examine, biological  
22               realities. It is the policy of NIH not  
23               to prioritize these research programs."

24          Q     Okay. And this was part of the template  
25     letter that Rachel Riley provided?

1           **A     Yes.**

2           Q     Are you aware of -- let me strike that.  
3                 Did NIH have any ability to alter this  
4     language in any way?

5           **A     Did we have the ability?**

6                 MS. ANDRAPALLIYAL: Objection, assumes  
7     facts not in evidence.

8     BY MR. MCGINTY:

9           Q     Was this edited in any way from the  
10    template letter that Rachel Riley provided?

11          **A     No.**

12          Q     Okay. It says, "Your project does not  
13    satisfy these criteria." Do you see that there?

14          **A     Yeah.**

15          Q     Are you aware of any assessment of  
16    Dr. Ahrens' grant in particular that was made to see  
17    if her grant satisfied the criteria?

18          **A     No.**

19          Q     Would you have been aware of such  
20    assessment if one had been made?

21          **A     I don't know.**

22          Q     Okay. Would you have been aware of such  
23    an assessment if one had been made by NIH?

24          **A     Yes.**

25          Q     And it says, "Research programs based on

1 gender identity are often unscientific with little  
2 identifiable return on investment, and do nothing to  
3 enhance the health of many Americans."

4 Did NIH do any assessment of this  
5 particular grant to see if it was unscientific?

6 A I don't know. The letter was provided and  
7 it was sent. I don't know what happened before  
8 that.

9 Q Well, did NIH do any assessment?

10 A I don't know.

11 Q You don't know if NIH did an assessment to  
12 see if Dr. Ahrens' grant was scientific or not?

13 A Are you talking about -- I don't  
14 understand your question, sorry.

15 Q Well, it says in this letter, and I  
16 understand you didn't write it, but you signed it,  
17 "Research programs based on gender identity are  
18 often unscientific." And that was the reason this  
19 particular grant was terminated.

20 Is that right?

21 A That's what the letter says.

22 Q That's what the letter says. So I'm  
23 trying to figure out whether or not there was any  
24 basis to think that Dr. Ahrens' grant was  
25 unscientific.



1           **A       I don't know.**

2           Q       Okay. And do you know if there was any  
3 assessment to see if it had an identifiable return  
4 on investment?

5           **A       No, I don't know.**

6           Q       Do you know if NIH did one?

7           **A       I don't know.**

8           Q       Okay. Would you have been aware if NIH  
9 did one?

10          **A       I'm not sure.**

11          Q       Okay. And it also says, "and do nothing  
12 to enhance the health of many Americans."

13               Do you know if NIH did any assessment to  
14 see if Dr. Ahrens' grant would enhance the health of  
15 many Americans?

16          **A       I don't know.**

17          Q       Okay. Was this the only template language  
18 that Rachel Riley provided?

19               MS. ANDRAPALLIYAL: Objection. To the  
20 extent that you're calling for draft language that  
21 wasn't finalized, that's privileged, and I instruct  
22 the witness not to answer.

23 BY MR. MCGINTY:

24          Q       I'll clarify.

25               Did Rachel Riley provide any other

1     template letters that were sent?

2           **A     Yes.**

3           Q     Okay. What were those template letters  
4     about?

5           **A     In that list, I don't recall.**

6           Q     How about any list for letters that had  
7     been sent?

8           **A     DEI activities, this language. I think**  
9     **one on China. I don't know. That's it that I can**  
10    **recall, and I'm sure I'm blanking right now.**

11          Q     So what you remember is the gender  
12     identity language, the DEI language, and the China  
13     language.

14                 Was there language on vaccine hesitancy  
15     that was used?

16          **A     In that batch, no.**

17          Q     Any batch that's been sent?

18          **A     Yes.**

19          Q     And that was provided by Rachel Riley,  
20     too?

21          **A     Yes. Well, actually, that was provided by**  
22     **Dr. Memoli. I don't know if Rachel Riley provided**  
23     **that to him, I apologize.**

24          Q     Okay. So Dr. Memoli wrote the one on --  
25     or provided you with the one on vaccine hesitancy?

1 Q And it says:

2 "China: Bolstering Chinese universities  
3 does not enhance the American people's  
4 quality of life or improve America's  
5 position in the world. On the contrary,  
6 funding research in China contravenes  
7 American national security interests and  
8 hinders America's foreign-policy  
9 objectives."

10 Do you see that?

11 A Yes.

12 Q This language was provided by  
13 Rachel Riley?

14 A Yes.

15 Q And then it says:

16 "DEI: Research programs based primarily  
17 on artificial and non-scientific  
18 categories, including amorphous equity  
19 objectives, are antithetical to  
20 scientific inquiry, do nothing to expand  
21 our knowledge of living systems, provide  
22 low returns on investment, and ultimately  
23 do not enhance health, lengthen life, or  
24 reduce illness. Worse, so called  
25 diversity, equity, and inclusion (DEI)

1 studies are often used to support  
2 unlawful discrimination on the basis of  
3 race and other protected characteristics,  
4 which harms the health of Americans.  
5 Therefore, it is the policy of NIH not to  
6 prioritize such research programs."

7 That language also was provided by  
8 Rachel Riley?

9 A Yes.

10 Q And, finally, the transgender language  
11 that we looked at before which was also provided by  
12 Rachel Riley?

13 A Yes.

14 Q And it was provided by her in the form of  
15 template letters to terminate grants?

16 A Yes.

17 MR. MCGINTY: Mark this as Exhibit 6,  
18 please.

19 (Bulls Deposition Exhibit 6 was marked for  
20 identification.)

21 BY MR. MCGINTY:

22 Q I'm handing you what's been marked  
23 Exhibit 6, and I'll represent to you that this was  
24 also published in the Nature journal, and I've  
25 printed it off of their website.

1           **A       To help the Institutes and Centers with**  
2       **trying to figure out how to make awards, give them**  
3       **guidance.**

4           Q       Okay. Give them guidance on making awards  
5       and also terminating awards, right?

6           **A       Making awards and making assessments on**  
7       **which categories they need to use to make those**  
8       **assessments.**

9           Q       Okay. So this says, under Category 1,  
10       "Add the action to the master spreadsheet"?

11          **A       Yes.**

12          Q       What's the master spreadsheet?

13               MS. ANDRAPALLIYAL: Objection. To the  
14       extent the question calls for information that's  
15       deliberative, I'm instructing the witness not to  
16       answer.

17       BY MR. McGINTY:

18          Q       How does NIH keep track of the grants it  
19       has terminated?

20          **A       We do track it in a spreadsheet.**

21          Q       Okay. And what's on that spreadsheet?

22               MS. ANDRAPALLIYAL: Objection. To the  
23       extent that the question is calling for information  
24       that's deliberative and not final, I'm instructing  
25       the witness not to answer.

1 BY MR. MCGINTY:

2 Q Okay. Does the spreadsheet contain  
3 information about grants that have been terminated?

4 A Yes.

5 Q Okay. And do you use a spreadsheet to  
6 keep track of that?

7 A Yes.

8 Q Okay. Does the spreadsheet indicate the  
9 reason that the grants were terminated?

10 A Based on the categories, yes.

11 Q Okay. And that's the Category 1, 2, 3,  
12 4 you have here?

13 A No. The categories that were provided in  
14 the termination letters.

15 Q Okay. And which categories are those?

16 A The categories of the DEI --

17 Q Okay. So going --

18 A -- China.

19 Q -- back to --

20 A Yeah.

21 Q -- what I think had been marked Exhibit 5,  
22 page 5 of Exhibit 5?

23 A Yes.

24 Q So you're looking at China, DEI, and  
25 transgender issues?

1           **A     Yes.**

2           Q     Are there any other categories that  
3     designate the reason that a grant was terminated?

4           **A     Vaccine hesitancy is the one additional**  
5     **one.**

6           Q     Any others?

7           **A     No.**

8           Q     Okay. And how do you know which of those  
9     categories to terminate a grant under?

10          **A     Based on the letters that are provided**  
11     **to -- you know, the list. We receive a list.**

12          Q     That's the list you get from Rachel Riley?

13          **A     That's the list that I get from my**  
14     **supervisor or, yeah, it's forwarded.**

15          Q     Okay. And does that list show which  
16     category reason to terminate the grant for?

17          **A     Yes.**

18          Q     Okay. How does it do that?

19          **A     It has a category section.**

20          Q     What's the form of this list?

21          **A     It's a spreadsheet.**

22          Q     It's a spreadsheet. Okay.

23          **A     So our spreadsheet matches that**  
24     **spreadsheet.**

25          Q     Did you, like, copy and paste into it?

MS. ANDRAPALLIYAL: Objection. To the extent the information sought is deliberative and not final in nature, I'm instructing the witness not to answer.

BY MR. MCGINTY:

Q Okay. So you get a spreadsheet that tells you which grants to terminate and the reasons why?

A Yes.

Q And what are those reasons?

A Based on the categories.

Q Is it verbatim what I'm seeing her, China, DEI --

MS. ANDRAPALLIYAL: Objection. To the extent that this is calling for deliberative information that has not been finalized, I'm instructing the witness not to answer.

BY MR. MCGINTY:

Q Speaking only about grants that have actually been terminated, the spreadsheet that you get, what does it say for the reason that the grants have been terminated?

A The categories, you know, DEI, transgender, you know.

Q Is that verbatim?

A I don't -- I can't tell you verbatim, but



1 it doesn't include all of this detail that was  
2 provided in the termination letter. It just gives  
3 the title, the category.

4 Q So it says China, DEI, or transgender?

5 A Yes, and vaccine --

6 Q And vaccine?

7 A -- hesitancy.

8 Q Okay. When you get that list and you get  
9 the template letters, do you get a letter for each  
10 grant that you're going to terminate, or do you have  
11 to do some kind of, like, word merge?

12 MS. ANDRAPALLIYAL: Objection. The  
13 question is calling for provision of deliberative  
14 information which is privileged. I'm instructing  
15 the witness not to answer.

16 BY MR. MCGINTY:

17 Q Okay. But it's your testimony that the  
18 reason that the grant is going to be terminated is  
19 provided to you. Is that right?

20 A That's right.

21 Q And you don't have any input into that?

22 A I don't.

23 Q Okay. And you're testifying that the  
24 template letter for each reason is provided to you.  
25 Is that right?

1           **A     Yes.**

2           Q     And you don't have any input into that  
3 either?

4           **A     I don't.**

5           Q     Okay. And how many of these lists have  
6 you gotten to terminate grants?

7                   MS. ANDRAPALLIYAL: Objection. To the  
8 extent this information is deliberative and  
9 nonfinal, I'm instructing the witness not to answer.

10          BY MR. MCGINTY:

11          Q     How many lists have you gotten for grants  
12 that have been terminated?

13          **A     More than five.**

14          Q     And how many grants have you terminated on  
15 the basis of these lists?

16          **A     Lots of grants. I don't know the number.**

17          Q     More than a hundred?

18          **A     More than a hundred.**

19          Q     More than a thousand?

20          **A     No.**

21          Q     Somewhere between a hundred and a  
22 thousand?

23          **A     Somewhere between five hundred and a  
24 thousand.**

25          Q     Somewhere between five hundred and a

1 thousand.

2 **A Mm-hmm.**

3 MR. MCGINTY: This is Exhibit 7, I think  
4 we are on.

5 (Bulls Deposition Exhibit 7 was marked for  
6 identification.)

7 BY MR. MCGINTY:

8 Q Do you recognize this document?

9 **A Yes.**

10 Q And you wrote this document, right?

11 **A I wrote it with Dr. Lauer, yes.**

12 Q Okay. And what is it?

13 **A It's the supplemental -- it's the**  
14 **beginning of the guidance providing agency -- I mean**  
15 **ICs with guidance on how to unpause funding.**

16 Q And it does say that there is a  
17 restriction. What's the restriction that it gives  
18 guidance about?

19 **A On spending funding related to DEI**  
20 **activities on grants.**

21 Q Was there a definition of DEI activities  
22 provided with this memo?

23 MS. ANDRAPALLIYAL: Objection. To the  
24 extent the information sought is deliberative and  
25 not final, I'm instructing the witness not to

1           **A     No.**

2           Q     You wrote that?

3           **A     I wrote it.**

4           MR. MCGINTY: We can go off the record.

5           (Luncheon recess taken -- 12:03 to 1:08 p.m.)

6           MR. MCGINTY: Back on the record. Go  
7 ahead and mark this, please.

8           (Bulls Deposition Exhibit 11 was marked  
9 for identification.)

10 BY MR. MCGINTY:

11          Q     I'm handing you what's been marked  
12 Exhibit 11. Do you recognize this document?

13          **A     Yes.**

14          Q     And what is it?

15          **A     A termination letter.**

16          Q     And this is another one that you wrote,  
17 right?

18          **A     This is another one that I issued that was**  
19 **written.**

20          Q     I'll clarify. You signed this, right?

21          **A     Correct.**

22          Q     Okay. And you signed this on behalf of  
23 Margaret Young?

24          **A     Yes.**

25          Q     And that's the same Margaret Young that we

1 were talking about earlier, the Chief Grants  
2 Management Officer at NICHD?

3 **A Yes.**

4 Q Why did you issue this on behalf of  
5 Margaret Young?

6 **A I believe at that time because the letters**  
7 **were coming out quickly that I just issued them on**  
8 **behalf of the IC Chief GMO, and then they would**  
9 **handle the Notice of Reward.**

10 Q Did you talk to Margaret Young, before you  
11 issued it, about issuing this letter?

12 **A No.**

13 Q Is this another one of the letters that  
14 you got in a list?

15 **A Yes.**

16 Q And that list was sent to you by your  
17 supervisor?

18 **A Yes.**

19 Q Who at the time was?

20 **A March 12th? I can't recall.**

21 Q Okay. And do you recall whether or not  
22 Rachel Riley was cc'd on the e-mail you got that  
23 terminated this grant as well?

24 **A I don't recall --**

25 Q Okay.

1           **A       -- Rachel being on there.**

2           Q       You'd have to look at the e-mail to know?

3           **A       Yes.**

4           Q       And you did get this in an e-mail from  
5 your supervisor?

6           **A       An e-mail from my supervisor, a forwarded,**  
7 **probably.**

8           Q       A forwarded e-mail from your supervisor  
9 that had the spreadsheet that you were talking about  
10 earlier?

11          **A       All of them have spreadsheets.**

12          Q       And that spreadsheet has the list of  
13 grants to terminate?

14          **A       Yes. And a point of clarification, if I**  
15 **may?**

16                   MS. ANDRAPALLIYAL: Sure.

17                   **THE WITNESS: Because the process was just**  
18 **continuing to be a lot, we actually -- I did say to**  
19 **the -- I asked the Chief Grants Management Officers**  
20 **if they were okay with me just issuing the letter**  
21 **and them issuing the Notice of Awards. And they did**  
22 **say that they were okay with that. And I do have**  
23 **some of that in writing.**

24 BY MR. MCGINTY:

25          Q       Great. Thank you for that clarification.

1           **A       Yeah.**

2           **Q       By way of further clarification, did you**  
3           **have any input in saying whether or not this**  
4           **particular grant was going to be terminated?**

5           **A       No.**

6           **Q       And did you have any input in the language**  
7           **on this letter?**

8           **A       No.**

9           **Q       To your knowledge, did anyone at NIH have**  
10          **input?**

11                   MS. ANDRAPALLIYAL: Objection. It calls  
12                   for the provision of deliberative information. I'm  
13                   instructing the witness not to answer.

14                   MR. MCGINTY: Counsel, deliberative  
15                   process exemption only applies where an action has  
16                   not been taken. I'm talking about terminating a  
17                   grant.

18                   MS. ANDRAPALLIYAL: No, that's not true.  
19                   The deliberative process privilege applies to  
20                   pre-decisional communications that precede a final  
21                   action, so it does apply to actions that have  
22                   already been taken.

23                   BY MR. MCGINTY:

24           **Q       Is there anything other than this letter**  
25           **that explains why the grant was being terminated?**

1           **A       The spreadsheet.**

2           Q       The spreadsheet explains why?

3           **A       It doesn't explain, it just lists the**  
4           **category.**

5           Q       Okay. Is there anything other than this  
6           letter and the spreadsheet?

7           **A       An e-mail.**

8           Q       An e-mail?

9           **A       Yes.**

10          Q       An e-mail you got from your supervisor?

11          **A       Yes.**

12          Q       Anything other than this letter, that  
13          spreadsheet, and the e-mail?

14          **A       No.**

15          Q       Okay. Were either the spreadsheet or the  
16          e-mail shared with the grant recipient?

17          **A       No, not that I'm aware of.**

18                   MR. MCGINTY: Mark this, please.

19                   (Bulls Deposition Exhibit 12 was marked  
20                   for identification.)

21          BY MR. MCGINTY:

22          Q       I'm handing you what's been marked  
23          Exhibit 12. And do you recognize this document?

24          **A       Yes.**

25          Q       And what is it?



1           **A     Termination letter.**

2           **Q     And this is another termination letter**  
3           **that you signed?**

4           **A     Yes.**

5           **Q     And this one is to the Regents of the**  
6           **University of California, San Francisco. And it's**  
7           **Project No. 1R01 AI186641-01 --**

8                     (Reporter requests clarification)

9                     MR. MCGINTY: I'm sorry. 1R01 AI186641-0.

10           BY MR. MCGINTY:

11           **Q     Is that correct?**

12           **A     Dash 01.**

13           **Q     And is this another one of the**  
14           **terminations that you got in a list?**

15           **A     Yes.**

16           **Q     From your supervisor?**

17           **A     Yes.**

18           **Q     And this letter is dated March 18?**

19           **A     Yes.**

20           **Q     And who was your supervisor at that time?**

21           **A     I believe it was Jon Lorsch at that time,**  
22           **for sure.**

23           **Q     Jon Lorsch?**

24           **A     Dr. Lorsch.**

25           **Q     Dr. Lorsch?**

1           **A     Yeah.**

2           Q     And, to your knowledge, did anyone at NIH  
3     have any input in whether or not this grant was  
4     going to be terminated?

5           **A     I don't know.**

6           Q     Would you know?

7           **A     I don't know.**

8                     MS. ANDRAPALLIYAL:  Objection, calls for  
9     speculation.

10           BY MR. MCGINTY:

11           Q     You can answer.

12           **A     I wouldn't know.**

13           Q     And is there anything, other than this  
14     letter, that explains why this grant was terminated?

15           **A     The spreadsheet, the e-mail.**

16           Q     Anything else?

17           **A     No.**

18           Q     Okay.  Did you ever talk to Dr. Lorsch  
19     about this termination?

20                     MS. ANDRAPALLIYAL:  Go ahead.

21                     **THE WITNESS:  No.**

22           BY MR. MCGINTY:

23           Q     Did he tell you why this grant was being  
24     terminated?

25                     MS. ANDRAPALLIYAL:  Objection.  Because

1 the question is seeking deliberative information, I  
2 instruct the witness not to answer.

3 BY MR. MCGINTY:

4 Q Let's go back very quickly to Exhibit 11.  
5 I just want to make sure that the grant project  
6 number is on the record.

7 Could you read that for me.

8 A Can I read -- I'm sorry?

9 Q The project number that was being  
10 terminated.

11 A Oh. 5 U01 HD108779-04.

12 Q Great. And to whom -- what was the  
13 institution this was issued to?

14 A Regents of the University of Minnesota.

15 Q Thank you.

16 MR. MCGINTY: Mark that one, please.

17 (Bulls Deposition Exhibit 13 was marked  
18 for identification.)

19 BY MR. MCGINTY:

20 Q I hand you what's been marked Exhibit 13.  
21 Do you recognize this document?

22 A Yes.

23 Q And what is it?

24 A A termination letter.

25 Q Okay. And this one is a grant to the

1 Regents of the University of Colorado. Is that  
2 right?

3 **A That is correct.**

4 Q And could you read the project number for  
5 me, please.

6 **A Sure. 1R21 HD115838-01.**

7 Q And this is another one that was provided  
8 to you in a list from your supervisor?

9 **A Yes.**

10 Q And the only thing to explain why that  
11 grant was terminated is this letter, the spreadsheet  
12 that was attached to that e-mail, and the e-mail  
13 itself?

14 **A The e-mail itself doesn't explain it, it  
15 just asks me to terminate it. The spreadsheet  
16 attached gives the category and the grant number.**

17 Q Okay. And, to your knowledge, NIH didn't  
18 do any assessment of this particular grant before it  
19 was terminated?

20 **A I don't know.**

21 MR. MCGINTY: Mark that, please.

22 (Bulls Deposition Exhibit 14 was marked  
23 for identification.)

24 BY MR. MCGINTY:

25 Q I hand you what's been marked Exhibit 14.

1 Now, starting about halfway down the page, this  
2 appears to be an e-mail from you. Is that right?

3 A Yes.

4 Q And what is this e-mail from you?

5 A A termination letter.

6 Q And did you start sending these in the  
7 form of an e-mail at some point?

8 A Yes.

9 Q When was that?

10 A Likely around the same date of this  
11 letter.

12 Q Which is March 21, 2025?

13 A Yeah, around that time.

14 Q And why did you do that?

15 A To be efficient.

16 Q Why did you need to be efficient?

17 A The letters were -- the spreadsheet had  
18 many terminations on the list, so I did it to be  
19 efficient.

20 Q It was easier to send it in e-mail form  
21 because there were so many to do?

22 A Yeah.

23 Q And who is the institution that this grant  
24 was issued to?

25 A University of Washington.

1 Q And what's the project number?

2 A 5R01MD017573-03.

3 Q Okay. And this one, I think you alluded  
4 to it already, but this one is also on the basis of  
5 the spreadsheet that you got?

6 A Yes.

7 Q And who sent you that spreadsheet?

8 A Probably it was forwarded to me by my  
9 supervisor.

10 Q Forwarded from whom?

11 A From Dr. Memoli.

12 Q Dr. Memoli?

13 A Yeah, at this point. That's correct.

14 Q And do you know if it was forwarded to  
15 Dr. Memoli from anybody?

16 MS. ANDRAPALLIYAL: Objection, calls for  
17 speculation, calls for a provision of deliberative  
18 information.

19 BY MR. MCGINTY:

20 Q You can answer.

21 MS. ANDRAPALLIYAL: Objection. To the  
22 extent that it calls for the provision of  
23 deliberative information, I would instruct the  
24 witness not to answer.

25 MR. MCGINTY: Can you explain the

1 privilege attaching to an e-mail that the person  
2 forwarded an e-mail.

3 MS. ANDRAPALLIYAL: To the extent that the  
4 answer is -- that the answer would provide  
5 information that is deliberative, I would instruct  
6 the witness not to answer.

7 BY MR. MCGINTY:

8 Q Did any of the to or from or cc fields on  
9 that e-mail, or on the e-mails that were attached to  
10 it, contain back-and-forth deliberative discussions?

11 A Not that I'm aware of.

12 Q Okay. Do you recall if the e-mail that  
13 Dr. Memoli -- was forwarded from Dr. Memoli, was  
14 forwarded from anybody else?

15 A I don't recall.

16 Q Okay. The only way to know that would be  
17 from the e-mail?

18 A Yes.

19 Q Okay.

20 MR. MCGINTY: Mark that.

21 (Bulls Deposition Exhibit 15 was marked  
22 for identification.)

23 BY MR. MCGINTY:

24 Q I pass you what has been marked  
25 Exhibit 15. Do you recognize this document?

1           **A     Yes.**

2           **Q     What is it?**

3           **A     It is a termination letter.**

4           **Q     And this is two-sided. I'm sorry, I**  
5           **printed this double sided.**

6           **A     That's okay.**

7           **Q     And that's your signature at the end,**  
8           **right?**

9           **A     Yes.**

10          **Q     Okay. And this is another one of the**  
11          **terminations on the basis -- that was sent to you on**  
12          **a spreadsheet?**

13          **A     Yes.**

14          **Q     And what's the institution that received**  
15          **this grant?**

16          **A     University of Washington.**

17          **Q     And what's the project number?**

18          **A     1F31 AI181431-01A1.**

19          **Q     Okay. And the only thing that would**  
20          **explain why this grant was terminated is this letter**  
21          **and the spreadsheet?**

22          **A     Yes.**

23                   MS. ANDRAPALLIYAL: Sorry. Objection,  
24                   assumes facts not in evidence.

25                   BY MR. MCGINTY:



1 Q What are the documents that would explain  
2 why this grant was terminated?

3 A The letter, the e-mail that was forwarded  
4 with the spreadsheet.

5 Q And that spreadsheet was forwarded to you  
6 from your supervisor?

7 A Yes.

8 Q And who is your supervisor at the time?

9 A I believe it was Dr. Lorsch. There was a  
10 transition period so.

11 Q So either Dr. Lorsch or?

12 A Dr. Bundesen.

13 Q Okay. Either Dr. Lorsch or Dr. Bundesen.  
14 And would Rachel Riley have been on any of  
15 the to or from fields of that e-mail?

16 A Not at that time, not during this time  
17 period.

18 Q Anyone else from HHS?

19 A No.

20 Q So did -- so that stopped at some point?

21 A Yes. I didn't see the to, where it  
22 originated. It was just coming from Dr. Memoli to  
23 either Liza or Dr. Lorsch.

24 Q And when did you stop being able to see  
25 where it originated?

1           **A**       I don't even recall because I stopped  
2 looking down on the e-mails at that point. It  
3 was -- yeah.

4           **Q**       Before or after March 10?

5           **A**       Probably after.

6           **Q**       Sometime after March 10?

7           **A**       Yes.

8                   (Bulls Deposition Exhibit 16 was marked  
9 for identification.)

10 BY MR. MCGINTY:

11           **Q**       I'm showing you what's been marked  
12 Exhibit 16. Do you recognize this?

13           **A**       Yes.

14           **Q**       And what is it?

15           **A**       A termination letter.

16           **Q**       And this is another one that you signed?

17           **A**       Yes.

18           **Q**       And who is the recipient of this grant?

19           **A**       University of Washington.

20           **Q**       And what's that project number?

21           **A**       5R01LM013301-05.

22           **Q**       And this is another one that came to you  
23 in the form of a spreadsheet listing the grants to  
24 terminate?

25           **A**       Yes.

1 Q And that was sent to you by your  
2 supervisor?

3 A Yes.

4 Q Which was who at this point?

5 A Dr. Lorsch.

6 Q That was Dr. Lorsch.

7 And you wouldn't have known who sent  
8 Dr. Lorsch this spreadsheet?

9 A Typically, like I said, I started seeing  
10 just the e-mail forwarded from -- sent to Dr. Lorsch  
11 from Dr. Memoli.

12 Q Got it.

13 A Yeah.

14 Q So Dr. Memoli sent it to Dr. Lorsch. Is  
15 that right?

16 A That is correct.

17 Q Okay. And do you know who sent it to  
18 Dr. Memoli?

19 A No.

20 Q Okay. Because that information was cut  
21 off of the e-mail?

22 A I don't know if it was cut off, it just  
23 wasn't there.

24 Q It wasn't on the e-mail?

25 A No, it wasn't on the e-mail.

1 Q Okay.

2 (Bulls Deposition Exhibit 17 was marked  
3 for identification.)

4 BY MR. MCGINTY:

5 Q I'm handing what's been marked Exhibit 17.  
6 Do you recognize this?

7 A Yes.

8 Q And what is this?

9 A A termination letter.

10 Q And who is the institution it was issued  
11 to?

12 A University of Washington.

13 Q And what's the project number?

14 A 1G13LM014426-01.

15 Q And this is another one that you got in a  
16 spreadsheet?

17 A Yes.

18 Q And it was sent to you by your supervisor?

19 A Yes.

20 Q And do you know who sent the spreadsheet  
21 to your supervisor?

22 A During this period it was from Dr. Memoli  
23 to -- I -- this is the foggy period, sorry.

24 Q Okay. You're not sure who your supervisor  
25 was?

1           A       I'm sure who my supervisor was. I'm just  
2 not sure of the period when it was, the different  
3 time frames.

4           Q       That's fine. It was either Bundesen or  
5 Lorsch?

6           A       Right.

7           Q       And do you know who sent it to Dr. Memoli?

8           A       I don't recall during this time. Yeah,  
9 I'm not sure if it was just forwarded from  
10 Dr. Memoli to Liza or Jon to me. Because, remember,  
11 during a period of time, it was on the from with --  
12 how do I say? The person that it was sent from at  
13 the department was on there, and at a point that  
14 stopped.

15          Q       But when it was from someone from the  
16 department, that was Rachel Riley?

17          A       The two times, yes.

18          Q       Okay. Was there anyone else from HHS it  
19 was sent from?

20          A       Not that I'm aware of.

21          Q       Okay. So either it was Rachel Riley or  
22 you didn't have the information?

23          A       Correct.

24          Q       Okay. And this letter and the other  
25 letters we've been looking at, this is still the

1 same template letter that was provided to you?

2 A Yes.

3 Q You didn't write one word in this letter?

4 A No, just signed it.

5 Q Okay. And the only thing that would  
6 explain why this grant was terminated is this letter  
7 and the spreadsheet and the e-mail?

8 A Yeah, the spreadsheet that was attached to  
9 the e-mail.

10 (Bulls Deposition Exhibit 18 was marked  
11 for identification.)

12 BY MR. MCGINTY:

13 Q I'm handing you what's been marked  
14 Exhibit 18. Do you recognize this?

15 A Yes.

16 Q And what is it?

17 A A termination letter.

18 Q And this is another one that looks like it  
19 was in e-mail form. Is that right?

20 A Yes, that's correct.

21 Q And who is the institution it was issued  
22 to?

23 A University of Washington.

24 Q And what's the project number?

25 A 1R21AI183907-01A1.

(Reporter requests clarification)

**THE WITNESS: "A" as in apple.**

BY MR. MCGINTY:

Q And this is another termination that you issued on the basis of a spreadsheet that was sent to you?

**A Yes.**

Q And that was sent to you -- who sent you that spreadsheet?

**A Dr. Lorsch.**

Q Dr. Lorsch sent it to you. And Dr. Memoli sent it to Dr. Lorsch?

**A Correct.**

Q And the only thing that would explain why this grant was terminated is this letter and the e-mail and the spreadsheet?

MS. ANDRAPALLIYAL: Objection, assumes facts not in evidence.

BY MR. MCGINTY:

Q What are the documents that would explain why this grant was terminated?

**A The letter, the forwarded spreadsheet that had the categories in there.**

Q Okay. Anything else?

**A No.**

1           **A     Yes.**

2           Q     Okay.

3                   MR. MCGINTY: Can I ask the court reporter  
4 how much time we've been on the record.

5                   (Whereupon, the reporter discloses time  
6 spent on the record)

7                   MR. MCGINTY: A little less than four  
8 hours?

9                   MADAM COURT REPORTER: Yes.

10                  MR. MCGINTY: I'll also note for the  
11 record that we've been on the record for a little  
12 less than four hours.

13                  (Bulls Deposition Exhibit 19 was marked  
14 for identification.)

15 BY MR. MCGINTY:

16           Q     I'm handing you what's been marked  
17 Exhibit 19.

18                  MR. MCGINTY: Counsel.

19                  (Document tendered to Ms. Andrapalliyal)

20 BY MR. MCGINTY:

21           Q     Do you recognize this document?

22           **A     Yes.**

23           Q     And what is it?

24           **A     A termination letter.**

25           Q     Okay. And this is another one that you



1 signed, right?

2 A Yes.

3 Q Okay. And who is the issuing  
4 institution -- or the institution that received the  
5 termination letter?

6 A University of Washington.

7 Q And what's that project number?

8 A 1R01 TW012904-01.

9 Q And this is another one that you got in a  
10 spreadsheet from your supervisor?

11 A Yes.

12 Q Okay. And where are the documents that  
13 explain why the grant was terminated?

14 A The spreadsheet and the request for me to  
15 terminate. And this letter right here, sorry.

16 Q No, that's fine, that's fine.

17 And, again, this was language -- the  
18 language in this letter was provided to you?

19 A Yes.

20 Q And you didn't write one word in this  
21 letter?

22 A (Nodding head)

23 Q Sorry, I didn't hear your answer.

24 A No. Sorry, no.

25 (Bulls Deposition Exhibit 20 was marked

1 available?

2 MS. ANDRAPALLIYAL: Objection, asked and  
3 answered.

4 **THE WITNESS: No.**

5 MR. MCGINTY: Okay. I think we're about  
6 to move into a new area. It might be time to take a  
7 quick five or ten-minute break. Can we go off the  
8 record.

9 (Recess taken - 2:29 to 2:50 p.m.)

10 MR. MCGINTY: We can go back on the  
11 record.

12 BY MR. MCGINTY:

13 Q Now, I know you have a big stack of  
14 exhibits right in front of you. And I'm going to  
15 ask you to find Exhibit 3 which is the February 28th  
16 letter to Dr. Tham.

17 **A Exhibit 3, you said?**

18 Q Oh, did I get the number wrong?

19 No, not that one. Maybe it's 4.

20 **A Okay.**

21 Q Yeah, 4. Sorry.

22 **A Yeah.**

23 Q Okay. So about a little more than halfway  
24 down the page it says here in this letter:

25 "It is the policy of NIH not to prioritize

1                   these research programs."

2                   Do you see that?

3           **A     Yes.**

4           Q     Okay. And "these research programs,"  
5     meaning research programs based on gender identity,  
6     right?

7           **A     Yes.**

8           Q     Now, I just asked you to go through a lot  
9     of NIH policies, and your testimony was there is no  
10    written final policy of NIH not to prioritize  
11    research programs based on gender identity.

12           That was your testimony, right?

13          **A     Yes.**

14          Q     So when this letter says it is the policy  
15    of NIH not to prioritize these research programs,  
16    that's not referring to any written policy, is it?

17                   MS. ANDRAPALLIYAL: Objection, assumes  
18    facts not in evidence.

19                   **THE WITNESS: I don't know what it was**  
20    **intended to mean because I didn't write it.**

21    BY MR. MCGINTY:

22          Q     There is no effective and final NIH policy  
23    that you are aware of not to prioritize research  
24    programs based on gender identity. Is that right?

25          **A     That I know of, no.**

1 Q And in your role as Director of OPERA,  
2 would you expect to know about such a policy?

3 (Reporter requests clarification)

4 MR. MCGINTY: Director of OPERA.

5 MS. ANDRAPALLIYAL: Objection, calls for  
6 speculation.

7 THE WITNESS: I don't -- not necessarily.

8 BY MR. MCGINTY:

9 Q In your role as Director of OPERA, what  
10 kind of policies do you oversee?

11 A Grants administration policies and  
12 grants -- internal policies for our grants managers,  
13 which are called the NIH Grants Administration  
14 Manuals, which is an internal document that supports  
15 the external document which is the NIH Grants Policy  
16 Statement.

17 Q So those are all policies that apply to  
18 NIH as a whole?

19 A Yes.

20 Q So the policies that you might not be  
21 aware of would be policies that would apply to one  
22 IC, for example?

23 MS. ANDRAPALLIYAL: Objection, calls for  
24 speculation.

25 THE WITNESS: I don't know.

1 BY MR. MCGINTY:

2 Q Do you know of policies within the ICs  
3 that you do not oversee?

4 A I don't know.

5 Q Okay. And just to be clear, there is no  
6 NIH policy not to prioritize research programs based  
7 on gender identity that you are aware of?

8 A That -- that is clear. No, not that I am  
9 aware of.

10 Q Okay.

11 A Can I ask a point of clarification?

12 Q Please.

13 A You are saying NIH policies, and I don't  
14 see priorities as something that I would oversee.

15 Q Sure.

16 A You know?

17 Q I understand. I guess my question comes  
18 from the part of the sentence where it says, "It is  
19 the policy of NIH not to prioritize these research  
20 programs." So that's why I'm asking you about the  
21 policies of NIH.

22 A Okay.

23 Q And you're not aware of any policy of NIH  
24 not to prioritize those research programs?

25 A No, I don't have any (indiscernible).

(Reporter requests clarification)

**THE WITNESS: I don't have any insight on it.**

BY MR. MCGINTY:

Q Okay. So now let's go back to Exhibit 3.

**A I don't know if I'll be able to find it now.**

(Witness reviews documents)

**THE WITNESS: I just saw it. Where did it go? It's running from me. Maybe I'll look closer. I have to re-order.**

(Witness reviews documents)

BY MR. MCGINTY:

Q I understand the papers get shuffled.

Okay. And we are looking at page 8616 on Exhibit 3, and looking at Section 3(e). The last sentence there, it says:

"Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology."

Do you see that?

**A Yes.**

Q Has NIH, to your knowledge, terminated any grants implementing that sentence?

**MS. ANDRAPALLIYAL: Objection, calls for a**

1 legal conclusion, calls for speculation.

2 **THE WITNESS: We terminated it based on**  
3 **the language in the letter.**

4 BY MR. MCGINTY:

5 Q Is it your testimony that the language in  
6 the letter had no connection to the sentence that I  
7 just read?

8 MS. ANDRAPALLIYAL: Objection, calls for  
9 speculation, calls for a legal conclusion, assumes  
10 facts not in evidence.

11 **THE WITNESS: I don't know what the**  
12 **intention was for the two. I don't know.**

13 BY MR. MCGINTY:

14 Q The language in the letter was given to  
15 you. Is that right?

16 **A Yes.**

17 Q And you don't know why it was written. Is  
18 that right?

19 **A I don't know.**

20 Q Okay. Let's go to Section 3(g) of this  
21 same Executive Order.

22 **A Okay.**

23 Q It says:

24 "Federal funds shall not be used to

25 promote gender ideology. Each agency

1 shall assess grant conditions and grantee  
2 preferences to ensure grants funds do not  
3 promote gender ideology."

4 See that?

5 **A Yes.**

6 **Q** To your knowledge, has NIH terminated any  
7 grants in implementing this section of this  
8 Executive Order?

9 MS. ANDRAPALLIYAL: Objection, calls for a  
10 legal conclusion, calls for speculation.

11 **THE WITNESS: To my knowledge, the letter**  
12 **terminates the grant and the language is in the**  
13 **termination letter.**

14 BY MR. MCGINTY:

15 **Q** Okay. And the reason that the grants were  
16 terminated, if I understand your prior testimony  
17 correctly, is stated in the letter and it's stated  
18 in the spreadsheet that states which grants you are  
19 going to terminate. Is that right?

20 **A Yeah, the spreadsheet, remember, I was**  
21 **telling you, it has the categories, like, Y, you**  
22 **know, D, I, that kind of thing.**

23 **Q** Okay. Are you familiar with the START  
24 platform?

25 **A No.**